

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

United States of America

v.

Dion Johnson

Date of Original Judgment: 12/22/2021

Date of Previous Amended Judgment: N/A

(Use Date of Last Amended Judgment if Any)

Case No: 5:21-CR-00022-001

USM No: 53065-509

Kweku A. Toure

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2) (Amendment 821)**

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by Amendment 821 to the *United States Sentencing Guidelines*, and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 46 months **is reduced to** 37 months.

Dion Johnson was originally sentenced on December 7, 2021, to a term of 46 months imprisonment. His imprisonment is to be followed by a three-year term of supervised release. The Court determined that his total offense level of 19 and a criminal history category of IV resulted in a guideline imprisonment range of 46 months to 57 months. At sentencing, his criminal history subtotal was 5. Two additional criminal history points were added for being under a criminal justice sentence when he committed the instant Federal offense. This resulted in 7 criminal history points which yielded a criminal history category IV.

Based on retroactive Amendment 821, Part A to the United States Sentencing Guidelines, defendants with seven (7) or more criminal history points receive one point for being under a criminal justice sentence instead of two when originally sentenced. In this case, the defendant does not receive an increase of one criminal history point pursuant to the newly created USSG §4A1.1(e), as prior to the application of this guideline, his criminal history subtotal was 5. Therefore, a total of 5 criminal history points would yield a criminal history category III. A total offense level 19 with a criminal history category III, yields an advisory sentencing range of 37 to 46 months.

The government agrees the defendant is eligible for relief. Therefore, the Court grants the sentence reduction, and the new imprisonment sentence imposed would be reduced to 37 months.

Except as otherwise provided, all provisions of the judgment dated 12/22/2021 shall remain in effect.

IT IS SO ORDERED.

Order Date: February 9, 2024

s/Tilman E. Self, III

Judge's signature

Effective Date: (if different from order date)

Tilman E. Self, III, U.S. District Judge

Printed name and title